AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings include changes to Fig(s). 8 and replace the original sheet(s) including such figures.

Attachment(s):   Replacement Sheet including amended Fig. 8; and

Annotated Sheet Showing Changes to amended Fig. 8.

REMARKS

This paper is responsive to a Non-Final Office action dated June 6, 2007. Claims 1-33 were examined.

Information Disclosure Statement

Applicants respectfully request the Examiner to consider the foreign patent documents supplied in the Information Disclosure Statement by Applicants submitted on February 15, 2005, received by the USPTO on February 18, 2005, and considered on May 25, 2007 and return an initialed copy of the 1449.

Drawing Objections

Fig. 8 is amended to be designated as prior art.

Specification

The specification is amended to correct typographical errors.

Claim Rejections Under 35 U.S.C. § 101

Claims 28 and 32 stand rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Applicants respectfully maintain that 35 U.S.C. § 101 does not proscribe the patentability of carrier waves. The Office Action fails to provide a basis for excluding such embodiments from patentable inventions and Applicants respectfully maintain that there is no basis for such limitations. Applicants respectfully maintain that a carrier wave is an article of manufacture, which is patentable under 35 U.S.C. § 101. For at least this reason, Applicants respectfully request that the rejection of claims 28 and 32 be withdrawn.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

Claims 5, 8, 18, 21, 27, and 29 have been amended to provide antecedent basis. Applicants believe that amended claims 5, 8, 18, 21, 27, and 29 satisfy 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112 be withdrawn.

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Claim Objections

Claims 1, 5, 8, 11, 18, 21, 25, and 29 stand objected to because of informalities. Claims 1, 5, 8, 11, 18, 21, 25, and 29 have been amended to correct typographical errors and/or to clarify claim language. Accordingly, Applicants respectfully request that the objections to the claims be withdrawn.

Claim Rejections Under 35 U.S.C. § 102

Claims15-27, and 32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by PCT Publication No. WO 02/080595 to Link et al. (hereinafter, "Link"). Claims 15 and 32 are amended to incorporate limitations of claim 20. Claim 20 is canceled.

Regarding amended claim 15, Applicants respectfully maintain that Link, alone or in combination with other references of record, fails to teach or suggest the <u>central server, active server and passive server</u>, as required by amended claim 15. Link teaches business office 1102 and a system 1106 that includes multiple databases. Fig. 11. Business office 1102 of Link negotiates agreements with wireless service providers and updates database 1104 accordingly. Paragraph 0052. Business office 1102 of Link updates database 1108 of system 1106 and decides which target subscribers should receive that updated information and enters those subscribers in a concerned database. Paragraph 0054. System 1106 sends updated information to a wireless device after receiving registration information from the wireless device. Paragraph 0014; Fig. 11. The business office 1102 and system 1106 including <u>multiple databases</u> of Link fail to teach or suggest the <u>central server, active server and passive server</u>, as required by amended claim 15. Accordingly, Applicants respectfully request that the rejection of claim 15 and all claims dependent thereon, be withdrawn.

Claims 26 and 27 are canceled.

Regarding amended claim 32, Applicants respectfully maintain that Link, alone or in combination with other references of record, fails to teach or suggest the <u>central server, active server and passive server</u>, as required by amended claim 32. Link teaches business office 1102 and a system 1106 that includes multiple databases. Fig. 11. Business office 1102 of Link negotiates agreements with wireless service providers and updates database 1104 accordingly.

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Paragraph 0052. Business office 1102 of Link updates database 1108 of system 1106 and decides which target subscribers should receive that updated information and enters those subscribers in a concerned database. Paragraph 0054. System 1106 sends updated information to a wireless device after receiving registration information from the wireless device. Paragraph 0014; Fig. 11. The business office 1102 and system 1106 including multiple databases of Link fail to teach or suggest the central server, active server, and passive server, as required by amended claim 32. Accordingly, Applicants respectfully request that the rejection of claim 32 and all claims dependent thereon, be withdrawn.

<u>*Claim Rejections Under 35 U.S.C. § 103*</u>

Claims 1-14, 28-31, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,148,197 to Bridges et al. (hereinafter, "Bridges") in view of Link. Regarding claim 1, Applicants respectfully maintain that Bridges, alone or in combination with Link or other references of record, fails to teach or suggest

> an active server in communication with a central
> server that receives the message from the central
> server, the active server in communication with a
> network element that communicates with the mobile
> device, wherein the active server queries the network
> element to determine availability of the mobile
> device, wherein if the availability of the mobile
> device is returned from the network device, directly
> routing the message to the mobile device; otherwise,
> routing the message to a passive server; and wherein
> the passive server monitors message traffic for an
> event that provides availability information about the
> mobile device and automatically delivers the message
> to the mobile device in response thereto,

as required by claim 1. Bridges teaches an over-the-air activation function (OTAF) 100 that is able to generate and send out a new or updated roaming database to each mobile station on

record. Col. 16, lines 36-63; Fig. 4. The OTAF of Bridges queries a home location register via signal transfer points to determine location of a mobile station. Col. 17, line 39-col. 18, line 12. When the OTAF of Bridges receives location information for the mobile station, the OTAF will send the new roaming information to the mobile station. Col. 17, line 39-col. 18, line 12. Bridges teaches further that an OTAF may include a slave database that may be updated by information stored in a master database. Fig. 7; Col. 29, line 36-col. 30, line 54. The OTAF of Bridges fails to teach or suggest <u>an active server</u> that receives a message from <u>a central server</u> and <u>queries the network element</u> to determine availability of the mobile device, wherein if the availability of the mobile device is returned from the network device, <u>directly routing the message to the mobile device</u>; <u>otherwise, routing the message to a passive server</u>; and wherein the passive server <u>monitors message traffic for an event</u> that provides availability information about the mobile device and <u>automatically delivers the message to the mobile device in response thereto</u>, as required by claim 1.

Link fails to compensate for the shortcomings of Bridges. Link teaches business office 1102 and a system 1106 that includes multiple databases. Fig. 11. Business office 1102 of Link negotiates agreements with wireless service providers and updates database 1104 accordingly. Paragraph 0052. Business office 1102 of Link updates database 1108 of system 1106 and decides which target subscribers should receive that updated information and enters those subscribers in a concerned database. Paragraph 0054. System 1106 of Link sends updated information to a wireless device after receiving registration information from the wireless device. Paragraph 0014; Fig. 11. System 1106 of Link fails to teach or suggest <u>an active server</u> that receives a message from <u>a central server</u> and <u>queries the network element</u> to determine availability of the mobile device, wherein if the availability of the mobile device is returned from the network device, <u>directly routing the message to the mobile device</u>; <u>otherwise, routing the message to a passive server</u>; and wherein the passive server <u>monitors message traffic for an event</u> that provides availability information about the mobile device and <u>automatically delivers the message to the mobile device in response thereto</u>, as required by claim 1.

Since Bridges and Link fail to disclose or suggest central server, active server, and passive server of claim 1 and no other art of record adds the missing disclosure, Applicants respectfully request that the rejection of claim 1 and all claims dependent thereon, be withdrawn.

Regarding claim 12, Applicants respectfully maintain that Bridges, alone or in combination with Link or other references of record, fails to teach or suggest

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querying a network element for availability
information about the mobile device, wherein if the
availability of the mobile device is positive,
directly routing the message to the mobile device,
otherwise, routing the message to a passive server,
wherein the passive server monitors message traffic
for an event that provides availability information
about the mobile device,
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as required by claim 12. Bridges teaches an over-the-air activation function (OTAF) 100 that is able to generate and send out a new or updated roaming database to each mobile station on record. Col. 16, lines 36-63; Fig. 4. The OTAF of Bridges queries a home location register via signal transfer points to determine location of a mobile station. Col. 17, line 39-col. 18, line 12. When the OTAF of Bridges receives location information for the mobile station, the OTAF will send the new roaming information to the mobile station. Col. 17, line 39-col. 18, line 12. Bridges teaches further that an OTAF may include a slave database that may be updated by information stored in a master database. Fig. 7; Col. 29, line 36-col. 30, line 54. The OTAF of Bridges fails to teach or suggest querying the network element querying a network element for availability information about the mobile device, wherein if the availability of the mobile device is positive, directly routing the message to the mobile device, otherwise, routing the message to a passive server, wherein the passive server monitors message traffic for an event that provides availability information about the mobile device, as required by claim 12.

Link fails to compensate for the shortcomings of Bridges. Link teaches business office 1102 and a system 1106 that includes multiple databases. Fig. 11. Business office 1102 of Link negotiates agreements with wireless service providers and updates database 1104 accordingly. Paragraph 0052. Business office 1102 of Link updates database 1108 of system 1106 and decides which target subscribers should receive that updated information and enters those subscribers in a concerned database. Paragraph 0054. System 1106 of Link sends updated information to a wireless device after receiving registration information from the wireless device.

Paragraph 0014; Fig. 11. System 1106 of Link fails to teach or suggest querying a network element for availability information about the mobile device, wherein <u>if the availability of the mobile device is positive, directly routing the message to the mobile device, otherwise, routing the message to a passive server</u>, wherein the passive server monitors message traffic for an event that provides availability information about the mobile device, as required by claim 12.

Since Bridges and Link fail to disclose or suggest the limitations of claim 12 and no other art of record adds the missing disclosure, Applicants respectfully request that the rejection of claim 12 and all claims dependent thereon, be withdrawn.

Regarding claim 28, Applicants respectfully maintain that Bridges, alone or in combination with Link or other references of record, fails to teach or suggest

> instructions for delivering the message to <u>an active server</u>, and instructions for querying a network element for availability information about the mobile device, wherein <u>if the availability of the mobile device is positive, directly routing the message to the mobile device, otherwise, routing the message to a passive server, wherein the passive server</u> monitors message traffic for an event that provides availability information about the mobile device,

as required by claim 28. Bridges teaches an over-the-air activation function (OTAF) 100 that is able to generate and send out a new or updated roaming database to each mobile station on record. Col. 16, lines 36-63; Fig. 4. The OTAF of Bridges queries a home location register via signal transfer points to determine location of a mobile station. Col. 17, line 39-col. 18, line 12. When the OTAF of Bridges receives location information for the mobile station, the OTAF will send the new roaming information to the mobile station. Col. 17, line 39-col. 18, line 12. Bridges teaches further that an OTAF may include a slave database that may be updated by information stored in a master database. Fig. 7; Col. 29, line 36-col. 30, line 54. The OTAF of Bridges fails to teach or suggest instructions for delivering the message to <u>an active server</u>, and instructions for querying a network element for availability information about the mobile device,

wherein if the availability of the mobile device is positive, directly routing the message to the mobile device, otherwise, routing the message to a passive server, wherein the passive server monitors message traffic for an event that provides availability information about the mobile device as required by claim 28.

Link fails to compensate for the shortcomings of Bridges. Link teaches business office 1102 and a system 1106 that includes multiple databases. Fig. 11. Business office 1102 of Link negotiates agreements with wireless service providers and updates database 1104 accordingly. Paragraph 0052. Business office 1102 of Link updates database 1108 of system 1106 and decides which target subscribers should receive that updated information and enters those subscribers in a concerned database. Paragraph 0054. System 1106 of Link sends updated information to a wireless device after receiving registration information from the wireless device. Paragraph 0014; Fig. 11. System 1106 of Link fails to teach or suggest instructions for delivering the message to an active server, and instructions for querying a network element for availability information about the mobile device, wherein if the availability of the mobile device is positive, directly routing the message to the mobile device, otherwise, routing the message to a passive server, wherein the passive server monitors message traffic for an event that provides availability information about the mobile device, as required by claim 28.

Since Bridges and Link fail to disclose or suggest the limitations of claim 28 and no other art of record adds the missing disclosure, Applicants respectfully request that the rejection of claim 28 and all claims dependent thereon, be withdrawn.

Regarding claim 33, Applicants respectfully maintain that Bridges, alone or in combination with Link or other references of record, fails to teach or suggest

> delivering the message to an active server, and
> querying a network element for availability
> information about the mobile device, wherein if the
> availability of the mobile device is positive,
> delivering the message to the mobile device and
> updating the IRDB, otherwise, routing the message to a
> passive server that monitors message traffic for an

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event to occur that provides availability information
about the mobile device, and delivering the message to
the mobile device in response thereto,

as required by claim 33. Bridges teaches an over-the-air activation function (OTAF) 100 that is able to generate and send out a new or updated roaming database to each mobile station on record. Col. 16, lines 36-63; Fig. 4. The OTAF of Bridges queries a home location register via signal transfer points to determine location of a mobile station. Col. 17, line 39-col. 18, line 12. When the OTAF of Bridges receives location information for the mobile station, the OTAF will send the new roaming information to the mobile station. Col. 17, line 39-col. 18, line 12. Bridges teaches further that an OTAF may include a slave database that may be updated by information stored in a master database. Fig. 7; Col. 29, line 36-col. 30, line 54. The OTAF of Bridges fails to teach or suggest delivering the message to an active server, and querying a network element for availability information about the mobile device, wherein if the availability of the mobile device is positive, delivering the message to the mobile device and updating the IRDB, otherwise, routing the message to a passive server that monitors message traffic for an event to occur that provides availability information about the mobile device, and delivering the message to the mobile device in response thereto, as required by claim 33.

Link fails to compensate for the shortcomings of Bridges. Link teaches business office 1102 and a system 1106 that includes multiple databases. Fig. 11. Business office 1102 of Link negotiates agreements with wireless service providers and updates database 1104 accordingly. Paragraph 0052. Business office 1102 of Link updates database 1108 of system 1106 and decides which target subscribers should receive that updated information and enters those subscribers in a concerned database. Paragraph 0054. System 1106 of Link sends updated information to a wireless device after receiving registration information from the wireless device. Paragraph 0014; Fig. 11. System 1106 Link fails to teach or suggest delivering the message to an active server, and querying a network element for availability information about the mobile device, wherein if the availability of the mobile device is positive, delivering the message to the mobile device and updating the IRDB, otherwise, routing the message to a passive server that monitors message traffic for an event to occur that provides availability information about the

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mobile device, and delivering the message to the mobile device in response thereto, as required by claim 33.

Since Bridges and Link fail to disclose or suggest the limitations of claim 33 and no other art of record adds the missing disclosure, Applicants respectfully request that the rejection of claim 33 and all claims dependent thereon, be withdrawn.

Additional Remarks

Claim 6 is amended to correct a typographical error and to clarify claim language.

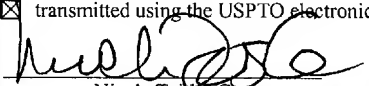Claims 13, 14, 17, 29, 30, and 31 are amended to correct typographical errors.

Claim 18 is amended to clarify claim language.

In summary, all claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

Respectfully submitted,

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Nicole Teitler Cave   9/19/07   Date

EXPRESS MAIL LABEL: _____

FIG. 8
(PRIOR ART)

400

SYSTEM SERVER

500

SMSC

600

STP

S4   S3   S2   S1

MSC   **HLR**

700   800

900